

Special Use Permit for ZPC 20-10

City of Ladue, Missouri

Issued to Cingular Wireless, dba AT&T Mobility

For a utility pole location on Kenmont Road (private ROW) near 1716 Kenmont

WHEREAS, Cingular Wireless, dba AT&T Mobility submitted an application for communication antennas to be placed on an AT&T utility pole in the right-of-way of Kenmont Road, which is owned and maintained privately by Forest Green Estates; and

WHEREAS, communication antennas within rights-of-way are allowed in residential zoning districts with a Special Use Permit; and

WHEREAS, a taller utility pole was installed at this location as approved by a Special Use Permit from 2011 that allowed for the installation of a communication antenna at this site, and this application involves reducing the height of this existing pole; and

WHEREAS, the City received a copy of plans signed by the Forest Green Subdivision Trustees to verify approval by the property owner for applicant to pursue this application; and

WHEREAS, the Zoning and Planning Commission held a public meeting on August 26, 2020 to discuss the application and hear public comment regarding this Special Use Permit; and

WHEREAS, the Zoning and Planning Commission considered the effect of the requested Special Use Permit on the health, safety, morals, and the general welfare of the residents, in accordance with Section VII –C of Ordinance 1175 and considered the requirements for communication antennas, including requirements for small wireless facilities, in accordance with Section VII-F.5, and recommended certain conditions for the general welfare of citizens; and

WHEREAS, this application for ZPC 20-10, with conditions, received a favorable recommendation from the Zoning and Planning Commission by a vote of six (6) in favor and 0 opposed at their meeting on August 26, 2020; and

WHEREAS, the City Council, after considering the recommendation of the Zoning and Planning Commission, held a duly noticed public hearing to hear further comments and discussion regarding this application on September 21, 2020; and

WHEREAS, all City of Ladue ordinance procedures for approval of a Special Use Permit for Cingular Wireless, dba AT&T Mobility have been followed, pursuant to Section VII of Ordinance 1175; and

WHEREAS, after the public hearing and after giving consideration to the criteria for issuance of a Special Use Permit (Section VII – C of Ordinance 1175) and the recommended conditions of the Zoning and Planning Commission, the City Council has determined that with the recommended conditions, this

application will not have a detrimental effect on the health, safety, morals, or the general welfare of the residents, including the effect on

- 1) Traffic in the streets;
- 2) Fire hazards;
- 3) Overcrowding of land or undue concentration of people;
- 4) Fire, police, and utility services;
- 5) Municipal expenditures;
- 6) The character of the district, and property values in the area; and
- 7) The general suitability of the property in question for the proposed use;

and is in compliance with the requirements for installation of communication antenna in accordance with Section VII-F.5. And, therefore, finds that this Special Use Permit for Cingular Wireless, dba AT&T Mobility, with conditions, is in compliance with all City ordinances and should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LADUE that the Special Use Permit for ZPC 20-10 on Kenmont Road shall be issued to Cingular Wireless, dba AT&T Mobility with the following conditions:

- 1) The communication antenna shall be constructed, operated, and maintained based on the plans for such antennas approved by the City Council on September 21, 2020. All provisions and conditions of previously issued Special Use Permits or Special Use Permit Amendments for the above-listed site is hereby rendered null and void, unless otherwise specifically stated in this permit.
- 2) All equipment necessary for the operation of the communication antennas will be the same color as the alternative support structure and the color will be maintained.
- 3) Other equipment necessary for the operation of the communication antennae must be mounted on the alternative support structure, as shown in the plans.
- 4) In accordance with Section IV.5.o of Ordinance 1175, when the communication antennae shall no longer be used for their original communications purpose, the owner of the communications antennae or the last lessee, licensee or user thereof shall be obligated, jointly and severally, at their expense to dismantle and remove promptly such antennae from the site. The licensed telecommunications user of such communication antennae shall provide the city with a copy of the notice to the FCC of intent to cease operations thereon and shall have ninety (90) days from cessation of the operations to complete the dismantling and removal of its equipment from the site.
- 5) In accordance with Section IV.5.o of Ordinance 1175, if the communication antennae are not removed based on the requirements of condition 4) above, the City reserves the right at any time thereafter and after giving thirty (30) days written notice to the interested parties, to enter the

property and remove the communication antenna, and to charge the costs to the last lessee, licensee or user thereof.

- 6) The construction, installation, operation, and maintenance of the communication antennae shall comply with all applicable portions of the City’s zoning ordinance, building code, ROW Code, and other applicable ordinances as well as applicable federal and state law and regulations.

The City recognizes that minor modifications to plans that are submitted with an application for a Special Use Permit may be necessary to comply with the requirements of the City or to accomplish the construction of the building or structure involved. All modifications must be brought to the attention of the City and City Planner, and the City Planner is required to resubmit any modifications which, in his/her reasonable determination, result in a change in the use that has been approved or that change the impact of the approved use on the City and its residents. Modifications of that type must be resubmitted to both the Zoning and Planning Commission and to the City Council.

Issued this _____ by a vote of _____ in favor and _____ against.

The City of Ladue

By: _____
Nancy Spewak, Mayor

Attest:
